

REGULAR MEETING  
October 8, 2001

The Regular Meeting of the Annapolis City Council was held on October 8, 2001 in the Council Chamber. Mayor Johnson called the meeting to order at 7:34 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Sachs, Carter, Fox

Alderman Gilmer was absent.  
Alderman Moyer arrived at 7:37.  
Alderman McMillan arrived at 7:40.

Staff Present: City Attorney Goetzke

Alderman Carter moved to adopt the agenda as presented. Seconded.

Alderman Carter moved to amend the Business and Miscellaneous section of the agenda to include budget revision request number GT-30-02. Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

Alderman Sachs moved to approve the Minutes of September 24, 2001. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Jeff Holland  
528 Second Street  
Annapolis, Maryland 21403

Spoke in favor of Ocean Race Chesapeake

2. Jim Martin  
29 Bristol Drive  
Annapolis, Maryland 21401

Spoke regarding use of Council Chambers

3. Sherod L. Earle, III  
1413 West Street  
Annapolis, Maryland 21401

Spoke in favor of O-40-01

4. Chris Fox, Christina Murray, Shawn Murray  
20 & 25 Windwhisper Lane  
Annapolis, Maryland 21403

Spoke requesting permission to hold a walk/run fund-raiser from the Navy-Marine Corp Stadium, thru Annapolis and back to the Navy-Marine Corp Stadium, for the New York Police & Fire Widow's and Children's Benefit Fund and the Pentagon Navy Marine Benefit Fund; and, the City to co-sponsor the event.

LEGISLATIVE ACTION

ORDINANCES

- O-12-01 For the purpose of apportioning among adjacent property owners, all city taxpayers and the State, obligations associated with installing, maintaining and replacing sidewalks; and all matters relating to said sidewalks.**

There being no voiced objection, O-12-01 was postponed.

**O-20-01      For the purpose of repealing and adding new the Code of the City of Annapolis Chapter 17.10, Stormwater Management; and matters generally relating to said Stormwater Management.**

David L. Smith, P.E., Director, Department of Public Works gave a brief presentation and answered questions by the Council.

There being no voiced objection, O-20-01 was postponed.

**O-36-01      For the purpose of amending City Code Chapter 14.12 to provide that actions by the director may also be taken by his designee; to clarify and provide for certain penalties; to clarify the appeal procedures; and matters generally relating to said chapter.**

Alderman Hammond moved to adopt O-36-01 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-36-01.

The main motion CARRIED on voice vote.

Alderman Tolliver moved to adopt O-36-01 on third reading. Seconded. CARRIED on voice vote.

**O-37-01      For the purpose of amending City Code Chapters 16.04 and 16.08 to provide that actions by the director may also be taken by his designee; to increase fines for violations; and matters generally relating to said chapters.**

Alderman Hammond moved to adopt O-37-01 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-37-01.

The main motion CARRIED on voice vote.

Alderman Tolliver moved to adopt O-37-01 on third reading. Seconded. CARRIED on voice vote.

**O-38-01      For the purpose of amending City Code Chapter 17; clarifying grading permit procedures and requirements; adopting the International Building Code 2000 with amendments; Energy Code 2000, with amendments; Residential Code 2000, with amendments; clarifying building permit procedures and requirements; clarifying use and occupancy procedures and requirements; clarifying requirements on display of address; clarifying penalties for unapproved construction, suspending permits, stop work orders; clarifying height and building areas for three story structures; clarifying fire separation requirements; adopting the National Plumbing Code 2000 edition, with 2001 amendments; adopting the National Electrical Code 1999, with amendments; adopting the International Mechanical Code 2000, with amendments; clarifying requirements for exterior sound testing of mechanical equipment; prohibiting unvented space heaters; adopting the International Property Maintenance Code 2000; clarifying requirements for signs and banners; providing that actions by the director may also be taken by his designee; and matters generally**

**relating to said chapter.**

Alderman Hammond moved to adopt O-38-01 on second reading. Seconded.

Alderman Hammond moved to amend O-38-01 as follows:

Introduced by Mayor Johnson

**No. 1**

On Page 13, line 31

*strike* “fifteen”;

*add* “thirty”,

**No. 2**

On Page 13, line 35

*strike* “sixty”;

*add* “ninety”,

**No. 3**

On Page 19, line 18

*strike* “and change of owner”;

**No. 4**

On Page 24, line 5

*strike* “fifteen”;

*add* “thirty”,

**No. 5**

On Page 24, line 9

*strike* “sixty”;

*add* “ninety”,

**No. 6**

On Page 24, line 24

*strike* “G. The Building Official may require the owner to notify the community in writing of the nature of the proposed work and the construction duration.”,

**No. 7**

On Page 30, line 33

*strike* “shall”;

*add* “may be required to”,

**No. 8**

On Page 38, line 9

*strike* “1999”;

*add* “1996”,

**No. 9**

On Page 38, line 16

*strike* “county, ”,

**No. 10**

On Page 38, line 25

*strike* “sixty”;

*add* “ninety”,

**No. 11**

On Page 39, line 9

*strike* “the National Electrical Code”;

*add* “the 1999 National Electrical Code”,

**No. 12**

On Page 39, line 24

*strike* “are”;

*add* “may be”,

**No. 13**

On Page 39, line 39

*strike* “the National Electrical Code”;

*add* “the 1999 National Electrical Code”,

**No. 14**

On Page 40, line 15

*strike* “B. According to the requirements of the National Electrical Code (NFPA #70), buildings with a gross occupant load in excess of 500 persons and that contain one or more of the following:

1. Electric fire pumps;

**2. Smoke removal or smoke containment systems**

**shall be required to have an emergency electrical system installed.”;**

*add* “B. In buildings with a gross occupant load in excess of 500 persons, that contain one or more of the following, shall be required to have an emergency electrical system installed according to the requirements of the National Electrical Code (NFPA #70):

1. Electric fire pumps;
2. Smoke removal or smoke containment systems.”,

**No. 15**

On Page 42, line 29

*strike* “**sixty**”;

*add* “ninety”,

**No. 16**

On Page 58, line 27

*strike* “.”;

*add* “, unless approved otherwise by the Building Official.”,

**No. 17**

On Page 58, line 40

*strike* “NHI”;

*add* “The”,

**No. 18**

On Page 58, line 40

*strike* “plans”;

*add* “pans”,

**No. 19**

On Page 61, line 9

*strike* “three hundred”;

*add* “two hundred”.

Introduced by Alderman Hammond

**No. 1**

On Page 19, line 22

*strike* “~~or~~”;

*add* “and not”,

**No. 2**

On Page 63, line 14

*strike* “~~, walls and hedges~~”;

*add* “, hedges”,

**No. 3**

On Page 63, line 18

*strike* “~~; or wall or hedge~~”;

*add* “, wall or hedge”,

**No. 4**

On Page 63, line 25

*strike* “~~; or wall or hedge~~”;

*add* “, wall or hedge”,

**No. 5**

On Page 63, line 27

*strike* “~~; or wall or hedge~~”;

*add* “, wall or hedge”,

**No. 6**

On Page 63, line 28

*strike* “~~, retaining or walls~~”;

*add* “, walls or hedges”,

**No. 7**

On Page 63, line 29

*strike* “~~, retaining or wall or hedge~~”;

*add* “, wall or hedge”,

**No. 8**

On Page 63, line 31

*strike* “, retaining **or** wall or hedge”;

*add* “, wall or hedge”,

**No. 9**

On Page 64, line 32

*strike* “Fifteen days' notice of the hearing also shall be given to persons owning property within two hundred feet of the location of the proposed fence, wall or hedge by first-class mail, and to the general public by a notice published in a newspaper of general circulation in the city. All required notices shall be at the appellant's expense.”;

*add* “Fifteen days' notice of the hearing also shall be given to persons owning property within two hundred feet of the location of the proposed fence, wall or hedge by first-class mail, and to the general public by a notice published in a newspaper of general circulation in the city. All required notices shall be at the appellant's expense.”.

Introduced by Alderman Tolliver

**No. 1**

On Page 17, line 34

*strike* “**A copy of the International Building Code is on file.**”;

*add* “In the event of any inconsistencies between the provisions of the Building Code and other provisions of this code, the more stringent code shall govern. A copy of the International Building Code is on file.”,

**No. 2**

On Page 18, line 19

*strike* “**A copy of the Energy Code is on file.**”;

*add* “In the event of any inconsistencies between the provisions of the Building Code and other provisions of this code, the more stringent code shall govern. A copy of the Energy Code is on file.”,

**No. 3**

On Page 18, line 37

*strike* “**A copy of the International Residential Code is on file.**”;

*add* “In the event of any inconsistencies between the provisions of the Building Code and other provisions of this code, the more stringent code shall govern. A copy of the International Residential Code is on file.”,

**No. 4**

On Page 19, line 3

*strike* “one hundred dollars”;

*add* “two hundred dollars”,

**No. 5**

On Page 20, line 7

*strike* “one hundred dollars”;

*add* “two hundred dollars”,

**No. 6**

On Page 23, line 37

*strike* “BOCA”,

**No. 7**

On Page 46, line 20

*strike* “.”;

*add* “, except appliances that have a U.L. and A.G.A. listing.”,

**No. 8**

On Page 48, line 28

*add* “Exception: A tank that has been designated an orphan tank by the Maryland Department of the Environment (MDE).”,

**No. 9**

On Page 49, line 25

*strike* “.”;

*add* “, except appliances that have a U.L. and A.G.A. listing.”,

**No. 10**

On Page 57, line 13

*strike* “Food waste grinders”;

*add* “New commercial food waste grinders”,

**No. 11**

On Page 57, line 13

*strike* “are prohibited”;

*add* “are prohibited;”,



**No. 12**

On Page 65, line 8

*strike* “A copy of the International Property Maintenance Code is on file.”;

*add* “In the event of any inconsistencies between the provisions of the Building Code and other provisions of this code, the more stringent code shall govern. A copy of the International Property Maintenance Code is on file.”.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Hammond moved to adopt O-38-01 amended on third reading. Seconded. CARRIED on voice vote.

**O-40-01 For the purpose of clarifying the definition of “party” and “political party” to include candidates receiving more than three percent (3%) of the votes cast in the most recent *presidential* general election and expanding that definition to include all political parties recognized as such by the Maryland State Board of Elections; and matters generally relating to said definition.**

Alderman Hammond moved to adopt O-40-01 on first reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to suspend the rules to dispense with the fiscal impact note, referral to the standing committee and third reading on O-40-01. Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt O-40-01 on third reading. Seconded. CARRIED on voice vote.

**RESOLUTIONS**

**R-22-01 For the purpose of increasing towing and storage rates for towing companies licensed by the City of Annapolis; and all matters relating to said increases.**

Alderman Hammond moved to adopt R-22-01 on second reading. Seconded. CARRIED on voice vote.

**R-26-01 For the purpose of approving the job descriptions for the civil service positions in the Department of Planning and Zoning for Senior Planner and Planner, in the Department of Public Works for Environmentalist and Traffic Engineer; establishing the pay grade for the Traffic Engineer; and all matters relating to said job descriptions and pay grades.**

Alderman Hammond moved to adopt R-26-01 on second reading. Seconded.

Alderman Sachs moved to adopt the amended job descriptions for “Planner” and “Senior Planner”, currently assigned to the Department of Planning and Zoning as follows:

**Planner**

**Job Class Code: 5007  
Pay Grade: 13  
FLSA: Exempt  
Updated: 1/01**

**GENERAL STATEMENT OF DUTIES:** Performs a wide variety of professional municipal planning and related work as required.

**DISTINGUISHING FEATURES OF THE CLASS:** This is City Planning work at a professional level. ~~Good~~ **Thorough** knowledge ~~is required~~ of the principles and practices of planning as well as an understanding of the physical, social and economic concepts underlying local planning **is required**. The work is performed in accordance with policies established by the Planning Director, but considerable scope exists in which professional judgement may be brought to bear and under which technical decisions may be made.

**EXAMPLES OF WORK:** (Illustrative only)

- < Reviews and processes applications for Special Exception, Major and Minor Subdivision, Site Design review, PUB's **Planned Unit Developments** and other related applications.
- < Represents City before the Board of appeals and Planning Commission.
- < Writes ordinances to amend and revise zoning code.
- < Maintains and revises all zoning maps for the Department including , maps for sale to the public. ~~GIS~~ **Geographic Information System** mapping specialist for department.
- < Enforces the provisions of the zoning and subdivision regulations of the City code.
- < Responds to general public inquiries on the telephone, e-mail, and walk-ins.
- < Acts as Liaison with State of Maryland Chesapeake Bay Critical Area Commission.
- < Reviews, maintains records, and track all development and redevelopment within the City Critical Areas.
- < Serves as grant coordinator for City Critical Area program.
- < Supervises and trains zoning enforcement officer.
- < Supervises receptionist/ secretary **for specific tasks**.
- < Supervises and trains summer interns.
- < Performs special studies ad requested by the Planning Director;
- < Drafts memoranda and letters on planning issues, problems and questions.

**REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:** Good knowledge of planning practices and principles and of the socioeconomic implications of planning; good understanding of land use concepts, population density and annexation issues; ability to assist in preparing comprehensive city plans; ability to deal effectively with citizens and groups interested in city planning; ability to exercise judgement in problem-solving; good oral and written communication skills; graphic skills; ~~computer skills including WordPerfect, Paradox, Quattro Pro and GIS applications~~ **appropriate knowledge of existing and newly adopted technologies**.

**ACCEPTABLE EXPERIENCE AND TRAINING:** Undergraduate or graduate degree in **planning**, landscape architecture, architecture, public administration or a related field; **some one to two years** experience in local government planning or a related field; or a combination of experience and training that provides the required knowledge, skills and abilities. Certificate by American Institute of Certified Planners preferred.

**AMERICANS WITH DISABILITIES ACT:**

Physical ability: strength and agility sufficient to climb into and operate a passenger motor vehicle; to ambulate over rugged terrain, etc.; to stand for long periods while making planning presentations; ability to withstand working outside in bad weather conditions.

Visual ability: sufficient to read and write reports, correspondence, instructions, etc.

Hearing ability: sufficient to understand radio transmissions, conversation with other individuals both in person and over a telephone.

Speaking ability: sufficient to communicate effectively with other individuals in person, over a telephone and/or radio.

Freedom from mental disorders which would interfere with performance of duties as described.

## **Senior Planner**

**Job Class Code:** 5005

**Pay Grade:** 15

**FLSA:** Exempt

**Updated:** 1/01

**GENERAL STATEMENT OF DUTIES:** Performs a wide variety of professional municipal planning and related work as required including reviewing development proposals (e.g., special exceptions, planned developments, annexations and subdivisions) for compliance with applicable regulations; developing and implementing new legislation; resolving problems with zoning compliance; researching and developing legal determinations on zoning issues; working on special projects.

**DISTINGUISHING FEATURES OF THE CLASS:** This is City Planning work at a senior professional level. ~~Good~~ **Thorough** knowledge ~~is required~~ of the principles and practices of planning as well as an understanding of the physical, social and economic concepts underlying local planning **is required**. The work is performed in accordance with policies established by the Planning Director, but considerable scope exists in which professional judgement may be brought to bear and under which technical decisions may be made.

**EXAMPLES OF WORK:** (Illustrative only)

- < Process applications for special exception, planned development, subdivision, annexation including meeting with applicants and explaining process prior to filing;
- < Coordinates interagency review, evaluating project for zoning compliance, preparing staff reports and presenting project to the Planning Commission and Board of Appeals;
- < ~~Develops~~ **Development** of new zoning regulations including research of other jurisdictions legislation, analyzes potential. impact of proposed changes;
- < Coordinates legal review of proposed regulations, as well as reviews ~~s~~ and ~~evaluation~~ of **evaluates** the effect of proposed changes on other government agencies; ~~and preparation of~~ **prepares** reports and **makes** presentations to the Planning Commission and the City Council;
- < Researches and prepares memos and correspondence on a wide variety of zoning related issues, often in solving legal determinations concerning a properties zoning status and formulating solutions to problems that arise as a result of a zoning related issue;
- < Assigns building permits to other staff for review of zoning compliance and review and sign off on their assessment;
- < Researches and answers questions concerning the zoning code or a specific piece of property from the members of the public who call or drop-in;
- < Works on special projects related to long range planning such as zoning code rewrite, neighborhood studies, requests for proposals on projects, etc.
- < Performs special studies as requested by the Planning Director;
- < Drafts memoranda and letters on planning issues, problems and questions.

**REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:** Good knowledge of planning practices and principles and of the socioeconomic implications of planning; good understanding of land use concepts, population density and annexation issues; ability to assist in preparing comprehensive city plans; ability to deal effectively with citizens and groups interested in city planning; ability to exercise judgement in problem-solving; good oral and written communication skills; graphic skills; ~~computer skills including WordPerfect or above, Paradox, Quattro Pro and GIS applications~~ **appropriate knowledge of existing and newly adopted technologies**.

**ACCEPTABLE EXPERIENCE AND TRAINING:** Graduate degree in **planning**, landscape architecture, architecture, public administration or a related field, ~~some~~ **three to four** years experience in local government planning or a related field, or a combination of experience and training that provides the required knowledge, skills and abilities. Certificate by American Institute of Certified Planners preferred.

**AMERICANS WITH DISABILITIES ACT:**

Physical ability: strength and agility sufficient to climb into and operate a passenger motor vehicle; to ambulate over rugged terrain, etc.; to stand for long periods while making planning presentations; ability to withstand working outside in bad weather conditions.

Visual ability: sufficient to read and write reports, correspondence, instructions, etc.

Hearing ability: sufficient to understand radio transmissions, conversation with other individuals both in person and over a telephone.

Speaking ability: sufficient to communicate effectively with other individuals in person, over a telephone and/or radio.

Freedom from mental disorders which would interfere with performance of duties as described.

Seconded.

Alderman Tolliver moved to amend the amendment as follows:

No. 1

**PLANNER - ACCEPTABLE EXPERIENCE AND TRAINING**: Undergraduate or graduate degree in **planning**, landscape architecture, architecture, public administration or a related field; **some one to two years** experience in local government planning or a related field; or a combination of experience and training that provides the required knowledge, skills and abilities. Certificate by American Institute of Certified Planners preferred.

No. 2

**SENIOR PLANNER - ACCEPTABLE EXPERIENCE AND TRAINING**: Graduate degree in **planning**, landscape architecture, architecture, public administration or a related field, **some three to four** years experience in local government planning or a related field, or a combination of experience and training that provides the required knowledge, skills and abilities. Certificate by American Institute of Certified Planners preferred

No. 3

R-26-01, page 2, line 1 after the word "adopted" add "as amended"

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

**R-27-01      For the purpose of supplementing the military pay of City employees who are called to active duty with the Armed Forces as a result of the September 11, 2001 terrorist attacks; providing for the continuation of medical benefits for such City employees during such active duty; and all matters relating to such supplemental pay and benefits.**

Alderman Hammond moved to adopt R-27-01 on first reading. Seconded. CARRIED on voice vote.

Alderman Sachs moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.

There being no voiced objection the motion CARRIED.

#### BUSINESS AND MISCELLANEOUS

1. Recommendations of Finance Committee Meetings dated August 16, 2001 and September 20, 2001

Alderman Sachs moved to adopt Finance Committee Recommendations for Action, CT-1-02 dated August 16, GT-25-02 dated September 20, 2001 and GT-30-01 dated October 8, 2001. Seconded. CARRIED on voice vote.

2. Civil Service Board Minutes dated May 7, 2001 and September 6, 2001

Alderman Sachs moved to receive Civil Service Board Recommendations for Action dated May 7, 2001 and September 6, 2001. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

4. Appointments

Alderman Sachs moved to approve the Mayor's (re)appointments of the following individuals:

10/3/01 Housing &  
Community Development Committee . . . . . Theresa Von Adelung Bond  
10/3/01 Annapolis Governmental Structure &  
Charter Revision Commission . . . . . Todd Dallas Lamb

Seconded. CARRIED on voice vote.

Alderman Sachs moved to amend the agenda to discuss R-28-01. Seconded. CARRIED on voice vote.

**R-28-01 For the purpose of obtaining the approval of the Annapolis City Council for the *Walk/Run for America* event to be held in the City of Annapolis; asking that the City become a co-sponsor for the event; and all matters relating to said event.**

Alderman Sachs moved to adopt R-28-01 on first reading. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:35 p.m.

Deborah Heinbuch, CMC/AAE  
City Clerk